



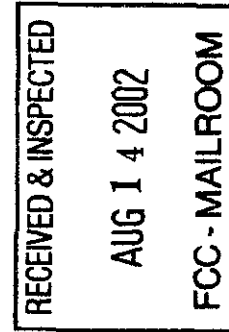
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Federal Communications Commission
Washington, D.C. 20554

290803
Imaging Center

August 7, 2002

Reverend Sandra Soho
Director, The Malin Christian Church, Inc.
P.O. Box 111
Klamath Falls, OR 97601-0006



Dear Reverend Soho:

This is in response to your petition for rule making in which you requested the substitution of Channel 265C1 for Channel 263A at Malin, Oregon, and the modification of Station KHAT's construction permit to specify operation on the higher powered channel. To accommodate the allotment of Channel 265C1 at Malin, you also requested that Channel 233C1 be substituted for Channel 267C at Alturas, California, and the modification of Station KCNO's license to specify operation on the lower powered channel.

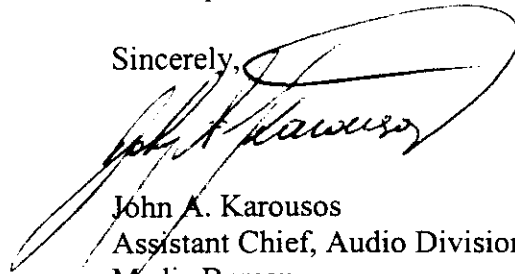
Although your proposal contains specific information as to the channel number and class of channel requested, as well as the community requested and the reason for the requested amendment, as required by Section 1.401 of the Commission's Rules, it cannot be considered as filed. The petition did not include a technical showing to demonstrate that the proposed amendments will comply with the minimum distance separation requirements of Section 73.207 of the Commission's Rules. All foreign and domestic allotments must also be considered in the showing.

Pursuant to Section 1.401(b) of the Commission's Rules, petitions filed to amend the FM Table of Allotments shall be served by the petitioner on any Commission licensee or permittee whose channel assignment would be changed by grant of a petition. In addition, the petition shall be accompanied by a certificate of service on such licensees or permittees. The petition did not contain a certificate of service stating that the licensee of KCNO was notified of the requested substitution of Channel 233C1 for Channel 267C at Alturas, California, and the modification of Station KCNO's license to specify operation on the lower powered channel.

Furthermore, Section 1.52 of the Commission's Rules requires that the original of any document filed with the Commission by a party not represented by counsel, be signed and verified by the party and his/her address stated. Although your request was signed and an address provided, you did not include an affidavit verifying that the statements contained in your request are accurate to the best of your knowledge and belief. In the absence of such verification, the petition may be dismissed. Section 1.401(b) of the Commission's Rules concerning rule making proceedings places petitioner on notice that their proposal must conform to the requirements of Section 1.52 regarding subscription and verification. See also Amendment of Sections 1.420 and 73.3584 of the Commission's Rules Concerning Abuses of the Commission's Processes, 5 FCC Rcd 3911, n.41 (1990).

Based on the reasons stated above, we are returning your petition for rule making. You may refile your petition, provided your proposal meets all the requirements stated above.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Karousos", written over a large, stylized circular flourish.

John A. Karousos
Assistant Chief, Audio Division
Media Bureau

Enclosure

original

DOCKET FILE COPY ORIGINAL

Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of:)
) MM Docket No.
Amendment of Section)
73.202(b) Table of FM) RM-
Allotments for Malin, OR,)
and Alturas, CA.)

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PETITION FOR RULEMAKING

The Malin Christian Church, Inc., which is an Oregon non-profit non-commercial educational corporation and the owner of KHAT allocated to Malin, Oregon, operating on FM channel 263A, does respectfully request that the Federal Communications Commission institute rulemaking proceedings to amend Section 73.202(b) as follows:

<u>CITY</u>	<u>EXISTING CHANNEL</u>	<u>PROPOSED CHANNELS</u>
Malin, OR	263A	265C1
Alturas, CA	233C1/267C, 293C1 and 297C	233C1 293C1 and 297C

The Malin Christian Church, Inc. is the owner of KHAT allocated to Malin, Oregon, operating on FM channel 263A. The Malin Christian Church, Inc. respectfully requests that the Commission accept this petition for rulemaking to change the only allocation to Malin, Oregon, from channel 263A to channel 265C1 and to clear up the matter of the allocation of KCNO in Alturas,

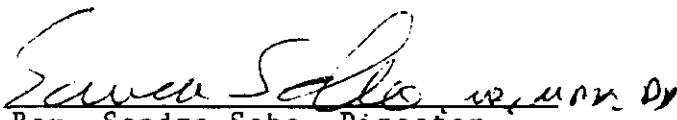
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California. KCNO has been operating on channel 233 as a C1 for decades. About four (4) years ago, KCNO was granted rule making that allowed them to move to channel 267 as a full C. KCNO never filed a construction permit application to move to channel 267 as a full C. KCNO has thus been holding down two allocations, namely 233 and 267, for four years. The Malin Christian Church, Inc. thus requests that the allocation for KCNO be changed to 233C1, so that KHAT can move from channel 263A to channel 265C1.

IN CONCLUSION

The Malin Christian Church, Inc. hereby requests that the Commission begin FM rulemaking proceedings to change the only allocation for Malin, Oregon, from channel 263A to channel 265C1 and to change the allocation for KCNO at Alturas, California, from channel 233C1/267C to channel 233C1.

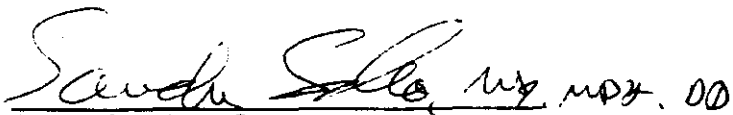
Dated: 14 Oct 99.


Rev. Sandra Soho, Director
The Malin Christian Church, Inc.
PO Box 111
Klamath Falls, OR 97601-0006
541-884-8074

ANTI-DRUG ABUSE CERTIFICATION

The applicant certifies that in the case of an individual applicant, he or she is not subject to a denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. 822, or, in the case of a non-individual applicant (e.g. corporation, partnership or other unincorporated association), no party to the application is subject to a denial of federal benefits pursuant to that section. For the definition of a "party" for these purposes, see 47 C.F.R. 1.200(b).

Dated: 14 Oct 99.


Rev. Sandra Soho
Director
Malin Christian Church, Inc.